

Appl. No. 10/634,081  
Amdt. Dated August 15, 2005  
Reply to Office Action of May 16, 2005

**• • R E M A R K S / A R G U M E N T S • •**

The Official Action of May 16, 2005 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment the Title of the invention has been changed in the manner courteously suggested by the Examiner.

Also by the present amendment, the claims have been edited to correct matters of form and grammar without changing the scope of the claims or adding any new matter thereto.

In addition, claim 4 has been changed to recite that the troughs are defined by and between the crests.

Entry of the changes to the claims is respectfully requested.

On page 2 of the Office Action the Examiner has objected to claim 4. Under this objection the Examiner has stated that:

...on lines 11-12 "alternate crests and troughs" are referred to as 'a crest 45 defined between each pair of depressed zones 44' in the instant specification, page 12, lines 17-18. Appropriate correction is required for an improved language consistency between the "troughs" of the claim and the "depressed zones" of the specification.

On page 12 of applicants' original specification it is stated that:

In each of the narrow strips 41, a crest 45 is defined between each pair of the depressed zones 44, 44 adjacent to each other, so crests and troughs defined by the

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crests 45 and the depressed zones 44 alternately appear in the longitudinal direction of this narrow strip 41.

In the paragraph bridging pages 17 and 18 of applicants' specification it is stated:

If the first layer 36 covering this second layer 37 to give the second panel 28 softness and flexibility is formed by a laminate of liquid-impervious film and fiber, the amount of urine flowing into the depressed zones 44 defining the troughs of the narrow strip 41, for example, the narrow strip 41a, as shown in FIG. 3, flows downward beyond the second panel 28 through interstices of the continuous fibers 43 exposed on the side surface 50 of the crest 45b of the narrow strip 41b adjacent to the narrow strip 41a in the longitudinal direction A.

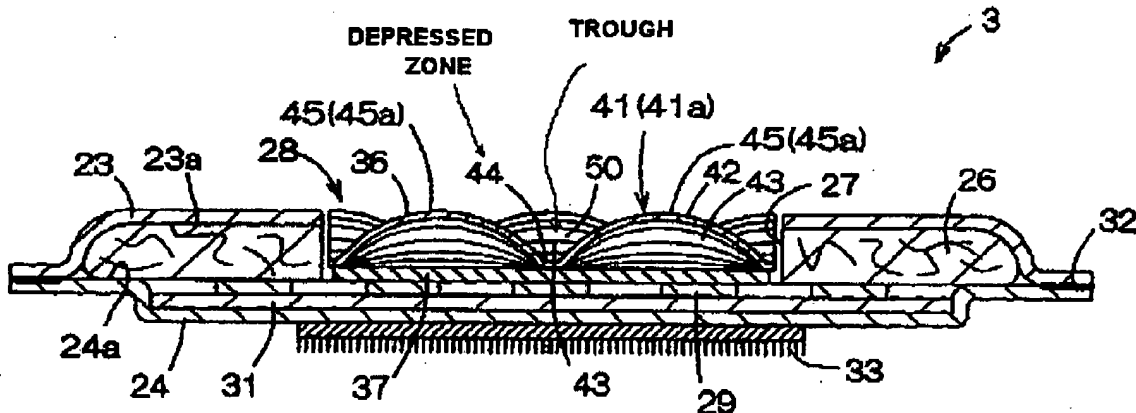
It is clear that the troughs are defined by the depressed zone 44. The structure of depressed zones is produced by welding the assembly of the fibers 43 and the film 42 are together by heating under a pressure and so that the assembly of the fibers 43 is relatively thin.

The troughs and depressed zones are different in structure because the depressed zones are the discrete depressed or welded portions identified by reference numeral 44 and the troughs generally extend between crests 45.

Note applicants' Fig. 3:

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# FIG. 3



Trough structures are clearly illustrated in Fig. 3 and the welded portions of the depressed zones 44 are seen as being located at the bottoms of the troughs.

It is believed that the relationship between the depressed zones and troughs is sufficiently described in the specification and drawings.

Accordingly, the Examiner is requested to reconsider and withdraw the outstanding objection to claim 4 which has been amended to more clearly describe the troughs.

Claims 1-5 are pending in this application.

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,578,024 to Mizutani et al.

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For the reasons set forth below it is submitted that all of the pending claims are allowable over the prior art of record and therefore, the outstanding rejection of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

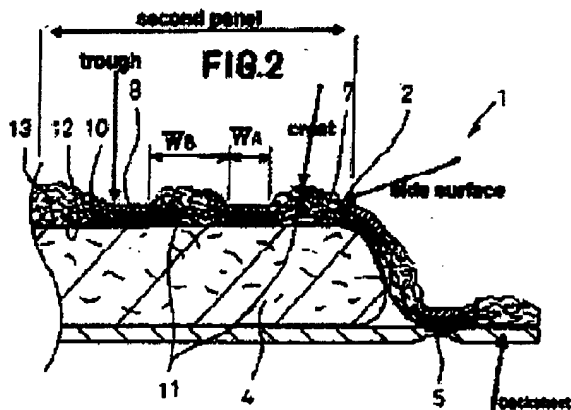
The Examiner has relied upon Mizutani et al. as disclosing:

...a disposable pad 1 comprising an backsheet/inner sheet 3 facing the wearer's body, topsheet/outer sheet 2, and a body fluid absorbent core/first panel 4 interposed between backsheet/inner sheet 3 and topsheet/outer sheet 2, the absorbent core containing water-absorbent fibers for absorption of fluids (col. 2, ll. 43-45, figure 2), said disposable pad further comprising:  
Said backsheet/inner sheet 3 is a liquid-impermeable plastic film and topsheet/outer sheet 2 of second panel is made of a liquid-permeable nonwoven fabric with a liquid-impermeable film on its upper surface [Note the second panel is defined to be the entire area including the topsheet 2 (col. 2, ll. 48-54 and figure 2); and  
Said backsheet/inner sheet 3 and fluid absorbent core/first panel 4 underlying said inner sheet 3 and the topsheet/outer sheet 2 lacking portions in a longitudinal and transverse direction to define long elliptical apertures/voids 14, said apertures/voids 14 diffuse menstrual discharge longitudinally and transversely; said apertures/voids 14 are positioned in the low density liquid-pervious hydrophobic zones 11; a plurality of parallel alternating longitudinal high and low density zones/narrow strips 10, 11 which are in contact with an upper surface of absorbent core/first panel 4, said high density zones/narrow strips 10 having 1.4 times the density of low density zone 11; and a sealing line/spacer member 5 lying aside from narrow strips 10, 11 and is capable of spacing said first panel 4 and parts of the narrow strips 10, 11 from the outer sheet 2 toward said inner sheet 3 (col. 3, ll. 1-3, 36-43 and 52-55, col. 11. 45-48 and 65-67, figures 2-3). Mizutani et al. further discloses the topsheet/outer sheet 2 of pad 1 facilitates menstrual discharge to be guided longitudinally of the pad in the high density zone 10 and allow the zones 10 to be effectively utilized from end to end when fibers at least in the high density zones 10 are oriented longitudinally of the pad 1 (col. 3, ll. 23-28). Mizutani et al. further discloses menstrual discharge may be guided through the topsheet/outer sheet 2 (Note: outer sheet 2 contains high and low density zones 10, 11) so that menstrual discharge may be guided through topsheet/outer sheet 2 into the absorbent core/first panel 4 (col. 3, ll. 11-14 and figure 2). Mizutani et al. further discloses tat even after body fluids have been transferred from the low-density zones to high-density zones/narrow strips 10, 11, the plastic

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film on the topsheet/outer sheet 2 effectively prevents the high-density zones and core of being smeared with body fluids being seen there through (col. 4, ll. 1-8)

The Examiner includes the following marked-up Fig. 2 from Mizutani et al.:



There are numerous limitations in applicants' independent claim 1 that are not found in Mizutani et al. or in the manner in which the Examiner has construed Mizutani et al. and applicants' claim limitations.

For example, applicants' independent claim 1 required, in part, the "void being filled with a second panel" and "narrow strips extending parallel to one another in one of said longitudinal and transverse directions beyond said second panel."

The Examiner illustrates the second panel in Mizutani et al. as including top sheet 2 and notes that the second panel is defined to be the entire area including the topsheet 2.

The Examiner has further relied upon Mizutani et al. as teaching "narrow strips 10, 11."

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The Examiner's "narrow strips 10, 11" are, at best coextensive with the topsheet 2 as shown in Fig. 1, and in any event **do not** and cannot extend "beyond the second panel ("topsheet 2"), since there are merely "zones" of the nonwoven fabric 7 that forms topsheet 2.

Thus, Mizutani et al., as relied upon by the Examiner, fails to teach the limitation "narrow strips extending parallel to one another in one of said longitudinal and transverse directions beyond said second panel."

Applicants' independent claim 1 further requires, in part, that the narrow strips "come in contact with a lower surface of said first panel."

The Examiner has relied upon the core 4 of Mizutani et al. as applicants' claimed first panel and Mizutani et al.'s high and low density zones 10 and 12 as applicants' narrow strips.

However, it is readily clear that the high and low density zones 10 and 12 of Mizutani et al do not "come in contact with a lower surface of" the core 4.

Thus, Mizutani et al. flails to teach this limitation of applicants' claimed invention.

Applicants' claimed invention further requires a hydrophobic liquid-pervious spacer member that:

- 1) Lies aside from said narrow strips toward said outer sheet;
- 2) Extends beyond said second panel in both said longitudinal direction and said transverse direction; and
- 3) Spaces said first panel and parts of said narrow strips apart from said outer sheet toward said inner sheet.

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The Examiner interprets Mizutani et al. as teaching "a sealing line/spacer 5."

However, as clearly seen in Fig. 1 of Mizutani et al. the sealing line 5 does not extend beyond said second panel in both said longitudinal direction and said transverse direction.

Moreover, as clearly seen in Fig. 2 of Mizutani et al., the sealing line 5 **does not** space the core and parts of the high and low density zones of topsheet 2 (the Examiner's "narrow strips") "apart from said outer sheet toward said inner sheet."

In fact there is no way the sealing line 5 or any structure can space a zone or portion of the topsheet apart from the topsheet, let alone space it apart toward the inner sheet.

Based upon the above, it is submitted that a careful review of Mizutani et al. reveals that Mizutani et al. fail to teach or suggest all the limitations of applicants' independent claim 1.

Based upon the above distinctions between Mizutani et al. and the present invention, and the overall teachings of Mizutani et al., properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Mizutani et al. as required under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon Mizutani et al. would be improper inasmuch as Mizutani et al. does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Mizutani et al. and the outstanding rejection of the claims should hence be withdrawn.

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Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

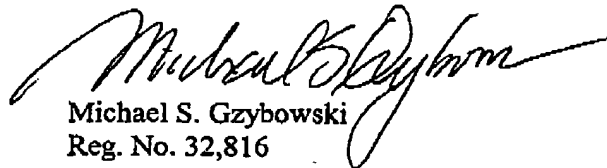
It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

The prior art made of record but not relied upon by the Examiner on page 7 of the Office Action has been noted, but is not deemed to be particularly pertinent to applicants' claimed invention.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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